

Order

Michigan Supreme Court
Lansing, Michigan

February 7, 2020

Bridget M. McCormack,
Chief Justice

159692

David F. Viviano,
Chief Justice Pro Tem

DONNA LIVINGS,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159692
COA: 339152
Macomb CC: 2016-001819-NI

SAGE'S INVESTMENT GROUP, LLC,
Defendant-Appellant,

and

T & J LANDSCAPING & SNOW REMOVAL,
INC., and GRAND DIMITRE'S OF
EASTPOINTE FAMILY DINING,
Defendants.

On order of the Court, the application for leave to appeal the February 26, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the plaintiff's employment is a relevant consideration in determining whether a condition is effectively unavoidable, *Hoffner v Lanctoe*, 492 Mich 450 (2012), and *Perkoviq v Delcor Homes-Lake Shore Pointe Ltd*, 466 Mich 11 (2002); and (2) whether there was a question of fact concerning whether the parking lot constituted an effectively unavoidable condition. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 7, 2020

Clerk